

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARY KAY INC.,	§	
	§	
Plaintiff/Counter-Defendant,	§	
	§	
v.	§	CIVIL ACTION NO. 3:21-CV-0369-B
	§	
DUNG THAN VU and LOAN NGUYEN,	§	
	§	
Defendants/Counter-Claimants.	§	

ORDER STRIKING DEFENDANTS' MOTION TO DISMISS

Defendants timely answered this trademark infringement action on March 15, 2021, responding to Plaintiff's allegations, asserting counterclaims, and bringing a motion to dismiss for lack of personal jurisdiction, all in a single filing. *See generally* Doc. 8, Answer. However, the undersigned does not permit litigants to "combine a motion to dismiss and an answer in one document."¹ Accordingly, the Court **STRIKES** Defendants' answer (Doc. 8) insofar as it asserts a Rule 12 motion to dismiss. The remaining portions of the answer remain operative. To the extent Defendants seek to challenge this Court's personal jurisdiction, they may file an independent motion within **seven (7)** days of the date of this Order. Though Plaintiff has already filed a document opposing Defendants' motion to dismiss, it must respond to any independent motion by Defendants within the time frame set by this Court's local rules. *See* N.D. Tex. L.R. 7.1(e).

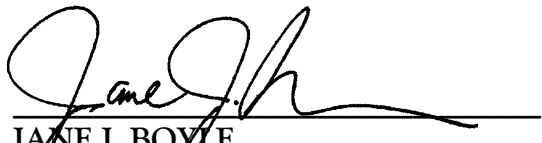
Moreover, there are two filings on the docket in this case that are styled as answers (Docs. 7 and 8). They are identical in all respects, except document 8 demands a jury and document 7 does

¹ The district judge's judge-specific requirements are available at <http://www.txnd.uscourts.gov/judge/district-judge-jane-boyle>.

not. The Court assumes Defendants filed document 7—the answer that does not demand a jury—in error and **STRIKES** such answer in full.

SO ORDERED.

SIGNED: April 2, 2021.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE